## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF TEXAS

GARMON COATS,

Plaintiff,

versus

CIVIL ACTION NO. 1:19-CV-124

U.S. BUREAU OF PRISONS,

Defendant.

## MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Garmon Coats, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this lawsuit.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for want of prosecution (docket entry no. 7).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. Ordinarily this would require a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). However, on June 6, 2019, Plaintiff moved to voluntarily dismiss the action (docket entry no. 10).

Plaintiff is entitled to dismiss this action pursuant to Rule 41(a) because the defendants have filed neither an answer nor a motion for summary judgment. *See* FED. R. CIV. P. 41(a)(1)(i). Therefore, the report will be adopted to the extent it recommends dismissal. The dismissal will be without prejudice.

Signed this date

MARCIA A. CRONE UNITED STATES DISTRICT JUDGE

Maria a. Crono.

## ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED** to the extent it recommended dismissal. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

Signed this date

Jul 15, 2019

MARCIA A. CRONE

Maria a. Crone

UNITED STATES DISTRICT JUDGE